

Special Town Board Meeting
March 6, 2013
6:30 p.m.

Present: Supervisor Susan Zimet, Councilwoman Jean Gallucci, Councilwoman Kitty Brown, Councilman Jeff Logan, Councilman Kevin Barry.

At 7:03 p.m. a motion was made by Councilwoman Brown to open the meeting with the pledge. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

Agenda: +Appoint attorney for ZBA +Microphones +Additional items for NYSERDA grant reimbursement. A motion was made by Councilwoman Gallucci to accept the agenda as amended. Seconded by Councilman Logan, all aye votes cast, motion carried.

Public Input:

Ray Lunati spoke about the latest Wetlands Law and how many spoke against it, yet it was still passed. He feels as though it's wasteful spending on attorneys and the wetlands inspector. Urged the Town Board not to spend taxpayer's money on trying to defend the law because it will be defeated again.

Bob Hughes indicated he was very involved in the Wetlands law process when it began in 2001. He is not here to defend the law but strongly believes there is a need for it. There has been a lot of pro bono work done by attorneys and there is money available to the Town from the Wetlands Protection Fund.

Announcements:

April 27th- Clean Sweep, 8:30 a.m. breakfast in basement of St. Joseph's Church.
Moriello Pool applications are now available in the front office of Town Hall.

Water/Sewer Rate Increase-Set Public Hearing:

Town Engineer Dave Clouser indicated that the Village raised rates to all users based on the tier system of consumption in an effort to decrease usage by commercial users. The minimum user rates will increase by approximately 16% and the large users will increase over 35%. The step rate is complicated, but the Town must use this type of rate now or the Town will be subsidizing the water costs. Since the last rate increase, the Town districts are doing better with the exception of Sewer 6.

Councilwoman Gallucci was concerned with charging users the new rates retroactively, doesn't seem fair. Mr. Clouser indicated that in the past, rates were changed/set around March in time for the April billing.

Supervisor Zimet indicated that the districts would fall further behind if we put the new rates off for another quarter. Councilwoman Gallucci indicated she would like legal advice regarding charging the new rates retroactively. To which Councilman Barry indicated that he believed it was acceptable to charge the new rates effective as of the Public Hearing.

A motion was made by Councilman Barry to adopt the rates recommended by Mr. Clouser. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilman Barry to set the Public Hearing on the water/sewer rate increase for March 21st at 7 p.m. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

Wetlands:

At 7:47 p.m. a motion was made by Councilwoman Gallucci to go into executive session to discuss possible Wetlands litigation. Seconded by Councilman Logan for discussion. The Board agreed it was not necessary to go into executive session. Councilwoman Gallucci withdrew her motion.

The Town Board needs to make a decision about whether it wants to finance the cost of perfecting an appeal of the decision made which struck down the Wetlands law.

Councilman Barry indicated that Attorney George Rodenhausen's firm represented the Town in its' latest defense of an Article 78 Petition that was brought to challenge the validity of the law. At which point the Town Board voted to pursue the defense, which the Town ultimately lost. As a matter of procedure, you can file a Notice of Appeal, which has to be perfected within a certain amount of time. Attorney Rodenhausen has advised the Board that it must make a decision about perfecting the appeal before the time limit runs out.

Supervisor Zimet read aloud a letter from Attorney Rodenhausen.

Councilman Barry questioned if the correct map was included with the law, based on the judge's ruling. Mr. Clouser believes it was.

He also asked if the Town had adequate public comment and input during this process, including mapping. Councilwoman Brown indicated that there were many public information sessions, at which mapping did come up. Councilman Barry believes there are another series of maps that exist that show Federal, State, and new projected overlays. Councilman Logan indicated that he may be referring to the Floodplain maps.

Councilman Barry asked the following questions:

"How did the existing regulatory framework fail us?"

"What are we trying to protect Wetlands from, primary reason?"

He feels that until the Town is adequately protected, he does not want to spend any more money on this.

Supervisor Zimet indicated that as part of an agreement relative to Woodland Ponds, the builder agreed to give the Town money that can be used only for wetlands protection. The Town will soon be receiving \$12,500, which can be used towards the litigation.

A motion was made by Councilman Logan to take the services of Rapport & Myers for appeal of the Article 78 filed against the Wetlands law for a fee not to exceed \$7500 plus filing costs to come from the Wetlands Protection line. Seconded by Councilwoman Brown for discussion. Councilwoman Gallucci is concerned that once this money runs out, the Town may have to use taxpayer's money. Councilman Logan indicated that this law is meant to prevent irresponsible development. All aye votes cast, Councilman Barry voted no. Motion carried.

Microphones:

Highway Superintendent Chris Marx made a recommendation for 5 new mics, 8 new mic stands, 1 mixer and 3 smaller round mics.

A motion was made by Councilman Barry to order the mics as recommended at a cost not to exceed \$3321 and to try to negotiate a better price on used mics to come from the Town Board line. Seconded by Councilman Logan, all aye votes cast, motion carried.

Additional items for NYSEERDA Grant reimbursement:

A motion was made by Councilman Barry to purchase 1 printer for the Assessor's office in the amount of \$380 to come out of the Assessor's budget line, and 2 a/c units for the Highway in the amount of \$379 each to come out of the Highway line. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried. Councilman Logan would like the old a/c units disposed of accordingly and properly.

Attorney for ZBA:

At 9:09 p.m. a motion was made by Councilman Barry to go into executive session for the purposes of discussing litigation with the Zoning Board of Appeals. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

At 9:44 p.m. a motion was made by Councilman Barry to come out of executive session. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

A motion was made by Councilman Barry to hire either McCabe & Mack or Vandewater & Vandewater at an hourly rate not to exceed \$300/hr for the purposes of handling a ZBA application made by Wilmorite. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

A motion was made by Councilwoman Brown to amend the agenda to add an appointment to the Historic Preservation Commission. Seconded by Councilman Barry, all aye votes cast, motion carried.

Historic Preservation Appointment:

A motion was made by Councilwoman Brown to appoint Steve Warren to fill the vacant 5-year term on the HPC that will expire 12/17. Seconded by Councilman Barry, all aye votes cast, motion carried.

Police Commission Appointments:

A motion was made by Councilman Logan to reappoint Steve Farina to the Police Commission for a 3-year term to expire 12/15. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

A motion was made by Councilwoman Brown to reappoint Renee Fillette to the Police Commission for a 1-year term to expire 12/13. In the event that she is unable to fulfill the obligations of the Police Commission at this time, Bruce Kurek is appointed as the alternate to fill the 1-year term. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

A motion was made by Councilwoman Gallucci to appoint Amy Cohen to the Police Commission for a 1-year term to expire 12/13. Seconded by Councilman Barry, all aye votes cast, motion carried.

Supervisor Zimet will send a letter to Justin Finnegan on behalf of the Town Board thanking him for his dedicated service to the Police Commission.

At 10:16 p.m. a motion was made by Councilwoman Gallucci to adjourn. Seconded by Councilman Barry, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk